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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 JAIME LUEVANO,

8 *Petitioner,*

9 vs.

10 HARRY REID, *et al.*,

11 *Respondents.*
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2:10-cv-00503-ECR-RAM

ORDER

14 This closed *pro se* mandamus action by a prisoner in custody in Texas comes before
15 the Court on petitioner's motion (#8) for reconsideration. The time for seeking relief under
16 Rule 59 has expired, and the motion therefore necessarily arises under Rule 60 of the Federal
17 Rules of Civil Procedure.

18 Petitioner Jaime Luevano filed a petition for a writ of mandamus naming as
19 respondents United States Senator Harry Reid and "El Paso, Texas, Entrapments,
20 Corruptions, etc. al." He sought a writ of mandamus to compel a multidistrict litigation panel
21 to review all of his cases filed in other federal and/or state courts and disqualify the judges in
22 those cases for bias. He included an allegation that federal statutes and rules needed to be
23 reformed. Petitioner further alleged that he was unlawfully convicted in a criminal proceeding.
24 His core underlying challenge was directed to the constitutionality of that conviction.

25 The Court dismissed the action without prejudice due to the multiple defects in the
26 papers presented. Judgment was entered on August 16, 2010.

27 Petitioner submits a September 10, 2010, commissary purchase receipt that he
28 maintains demonstrates that he is unable to pay the filing fee. The receipt does not

1 undermine the basis for the prior dismissal. Petitioner did not either pay the required \$350.00
2 filing fee or submit a properly completed application to proceed *in forma pauperis* on the
3 Court's required form for a prisoner pauper application, with all required attachments and
4 acknowledgments. Submission of a commissary receipt after the dismissal does not change
5 the fact that petitioner did not submit the required pauper application and proper supporting
6 financial materials with his papers initially. Nor would a commissary receipt constitute a
7 properly-supported pauper application even if it had been submitted with the papers initially.

8 Petitioner further urges that Senator Reid's immunity can be waived. Petitioner cites
9 no apposite authority supporting, or basis for, such an alleged waiver. The Senator clearly
10 has immunity against this action, and the remaining respondent named does not constitute
11 a juridical person subject to suit.

12 Petitioner's remaining contentions are nonsensical and/or fanciful, including his
13 allegations of a "vast massive family ring mob, inc." and an "enterprise kingdom empire."

14 The motion does not directly address the remaining bases for dismissal. The Court
15 further noted: (a) that neither this Court nor a multidistrict litigation panel has appellate
16 jurisdiction over other federal and state courts to issue writs of mandamus disqualifying judges
17 for alleged bias and/or otherwise directing the actions requested by petitioner; and (b) that,
18 as petitioner was seeking to challenge the validity of a conviction that has not been
19 overturned, his mandamus petition was barred by *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct.
20 2364, 129 L.Ed.2d 383 (1994).

21 Both the initial action and the motion for reconsideration are wholly frivolous. This
22 action has been and remains closed.

23 IT THEREFORE IS ORDERED that the motion (#8) for reconsideration is DENIED.

24 DATED: *October 15, 2010.*

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EDWARD C. REED
United States District Judge